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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,979	01/16/2001	James S. Chester	FIS9-2000-0314US1	6038

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INTERNATIONAL BUSINESS MACHINES CORPORATION
DEPT. 18G
BLDG. 300-482
2070 ROUTE 52
HOPEWELL JUNCTION, NY 12533

EXAMINER

BATES, KEVIN T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 05/28/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/760,979	CHESTER, JAMES S.	
	Examiner	Art Unit	
	Kevin Bates	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 16 January 2001.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-31 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

This Office Action is in response to a communication made on January 16, 2001.

The Declaration was received on May 3, 2001.

The Information Disclosure Statement was received on January 16, 2001.

The Change of Address was received on November 11, 2002.

Claims 1-31 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Gudjonsson (6564261).

Regarding claims 1 and 22, Gudjonsson discloses a method for use by a service provider to facilitate communication between customers of the service provider (Column 7, lines 35 – 39), the method comprising the steps of receiving a request from a customer to establish communication with another customer (Column 9, line 62 – Column 10, line 7); confirming the identity of each customer (Column 9, lines 56 – 60); transmitting to each customer executable code enabling encrypted communication therewith (Column 11, lines 39 – 43); obtaining from each customer information

regarding the customer's computing environment (Column 27, lines 13 – 22); preparing a set of applications for use by each customer, in accordance with said information and said request; transmitting the set of applications as executable code to each customer (Column 12, lines 19 – 41); establishing a communication path to each customer; and specifying the communication path to the customers, thereby permitting the customers to communicate over said path using said applications (Column 8, lines 27 – 29).

Regarding claim 11, Gudjonsson discloses a system for facilitating communication between customers of a service provider (Column 7, lines 35 – 39), the system comprising: a server connected to the Internet (Column 2, lines 16 – 29), the server being enabled to perform a method including the steps of receiving a request from a customer to establish communication with another customer (Column 9, line 62 – Column 10, line 7), confirming the identity of each customer (Column 9, lines 56 – 60), transmitting to each customer executable code enabling encrypted communication therewith (Column 11, lines 39 – 43), obtaining from each customer information regarding the customer's computing environment (Column 27, lines 13 – 22), preparing a set of said applications for use by each customer, in accordance with said information and said request, transmitting the set of applications as executable code to each customer (Column 12, lines 19 – 41), establishing a communication path to each customer, and specifying the communication path to the customers, thereby permitting the customers to communicate over said path using said applications (Column 8, lines 27 – 29).

Regarding claim 12, Gudjonsson discloses a dedicated communication link to a provider of connectivity services (Column 11, lines 20 – 30).

Regarding claims 2, 13, and 23, Gudjonsson discloses that said confirming, transmitting and obtaining steps are performed via the Internet, and said establishing step comprises obtaining connectivity services via the Internet for use by the customers (Column 2, lines 16 – 29); and altering the communication path in accordance with customer requirements (Column 8, lines 10 – 17; Column 9, lines 20 – 22).

Regarding claims 3, 14, and 24, Gudjonsson discloses that the connectivity services are obtained by contacting a vendor of said services via the Internet (Column 2, lines 16 – 29).

Regarding claims 4, 15, and 25, Gudjonsson discloses that the communication path is established for a limited time period (Column 17, line 59 – Column 18, line 14).

Regarding claims 5, 16, and 26, Gudjonsson discloses that said preparing step comprises obtaining at least one of the applications via the Internet (Column 2, lines 16 – 29; Column 12, lines 19 – 41).

Regarding claims 6, 17, and 27, Gudjonsson discloses that said method is performed using an edge of-network server (Column 9, lines 62 – 66; lines 41 – 43).

Regarding claims 7, 18, and 28, Gudjonsson discloses that said preparing step comprises obtaining at least one of the applications from a storage device connected to the server (Column 8, lines 37 – 40).

Regarding claims 8, 19, and 29, Gudjonsson discloses that the specified communication path is established on the Internet and communications using the path

are encrypted, so that the customers participate in a secure virtual trading zone (Column 8, lines 23 – 34).

Regarding claims 9, 20, and 30, Gudjonsson discloses that the step of monitoring the communication path (Column 7, lines 52 – 57).

Regarding claims 10, 21, and 31, Gudjonsson discloses that said obtaining step is performed using an applet resident at the customer (Column 14, lines 54 – 58).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 6707810 issued to Neel, because it establishes communication paths between customers.

U. S. Patent No. 5544322 issued to Cheng, because it authorizes clients and provides application services.

U. S. Patent No. 5928325 issued to Shaughnessy, because it establishes communication paths between users.

U. S. Patent No. 6332081 issued to Do, because it allows authorized customers to asscess services/applications.

U. S. Patent No. 6446127 issued to Schuster, because it establishes communication paths between users.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB
May 24, 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER